

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

SONNY FORBES)
)
v.) NO. 2:05-CV-28
)
BROADSPIRE SERVICES, INC.)

ORDER

Presently before this court for acceptance is the March 29, 2006, Report and Recommendation [R&R] of Magistrate Judge Dennis H. Inman in the above-titled case. [Doc. 34]. Magistrate Judge Inman was asked to determine whether Broadspire Services, Inc. [Broadspire] perpetrated a fraud on this court by arguing that Mr. Forbes' claim for long-term disability benefits had already been litigated. In the R&R, Magistrate Judge Inman found that "there was a 'fraud on the court' to the extent the defendant should have, but did not, reveal to the Court in a timely fashion the settlement agreement." He then recommended :

- "1. That this Court's judgment entered on January 30, 2006, and filed as Doc. 27, which dismissed plaintiff's suit, be set aside;
2. That this Court hear such evidence and argument as necessary to determine if:
 - (A) Plaintiff's prior suit was for both long- and short-term disability benefits; and

- (B) Whether it was the parties' collective intent to settle ALL claims plaintiff may have had at that time, including long-term and short-term disability benefits."

This court accepts the March 29, 2006, Report and Recommendation for the reasons expressed in the Report and Recommendation. On the issues of whether the prior suit concerned both long- and short-term disability benefits and whether it was the parties' collective intent to settle all claims Mr. Forbes may have had at that time, including long-term and short-term disability benefits, this court now **REFERS** these matters back to Magistrate Judge Dennis Inman for a Report and Recommendation.

ENTER:

s/Thomas Gray Hull
THOMAS GRAY HULL
SENIOR U. S. DISTRICT JUDGE